

REMARKS:

The Examiner's allowance of claims 1-13 and 30-39, and his indication of allowability with respect to claims 15-17, 19, 20, and 26-28, are gratefully acknowledged. Applicant would also like to thank the Examiner for his courteous grant of a telephone interview on December 28, 2004, and for the helpful comments and suggestions he made during that interview.

Reconsideration of the Examiner's rejection of claims 14, 18, 21, 22, 29, 50 and 51 under 35 U.S.C. §102(b) as being anticipated by Hilbert is respectfully requested.

In accordance with the Examiner's suggestion made during the aforementioned telephone interview, claims 14 and 50, from which the remaining rejected claims depend, have been amended with this response to specify that the first and second lens elements are "adapted to operate in the infrared region of the spectrum". This amendment essentially incorporates the limitation from the preamble (i.e., that the device is an infrared imaging device) into the main body of the claim. Hilbert does not anticipate the claims as amended, because the lens elements of Hilbert are not adapted to operate in the infrared region of the spectrum. As noted during the interview, the Examiner has correctly recognized the patentability of dependent claim 26, which contains a similar, though narrower, limitation.

Reconsideration of the Examiner's rejection of claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Hilbert is respectfully requested.

As previously noted, claim 14, from which claims 24 and 25 depend, has been amended with this response to specify that the first and second lens elements are "adapted to operate in the infrared region of the spectrum". The Examiner has correctly recognized that the device of Hilbert is not adapted to operate in the infrared region of the spectrum, nor does Hilbert contain any teachings or suggestions that would lead one skilled in the art to modify the device of Hilbert for operation in the infrared region. To the contrary, Hilbert clearly teaches, at Col. 2, Lines 14-17, that the device described therein is designed for use in a video imaging system, and hence operates within the visible region of the spectrum:

The present invention is designed for use with a video imaging system such as television and can be sold as a video projection system for incorporation with a residential television set.

In light of the above, the Examiner will appreciate that the claims, as amended, are patentably distinguishable over the teachings of Hilbert.

Reconsideration of the Examiner's rejection of claim 23 under 35 U.S.C. §112, second paragraph as being indefinite is respectfully requested.

The Examiner has rejected claim 23 as being indefinite because it depends from itself. Claim 23 has been amended with this response so that it is dependent upon claim 16. It is thus respectfully submitted that, as amended, claim 23 is no longer indefinite.

The Commissioner is hereby authorized to charge the \$250 extra claims fee due with this response, and to charge any other fee due with this response (or to credit any overpayment) to the deposit account of Fortkort Grether + Kelton LLP, Deposit Account No. 50-2726.

Respectfully submitted,

FORTKORT GRETHER + KELTON LLP

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By: 

John A. Fortkort
Reg. No. 38,454
Fortkort Grether + Kelton LLP
8911 N. Capital of Texas Hwy.
Suite 3200
Austin, Texas 78759
Telephone: (512) 279-3100
Facsimile: (512) 279-3101